

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

23-CR-80219-AMC

UNITED STATES OF AMERICA

v.

MICHAEL GORDON DOUGLAS,

Defendant,

DEFENDANT’S MOTION TO CONTINUE EVIDENTARY HEARING

COMES NOW the Defendant, Michael Gordon Douglas, by and through his undersigned attorney, and respectfully requests that this Honorable Court enter its Order continuing the evidentiary hearing in this case presently set for August 12, 2024, for approximately three weeks. The reason for this continuance is to allow the government sufficient time to review the report of the fingerprint expert engaged by the defense in this case in advance of the evidentiary hearing.

The defense makes this request based upon the following: The defense has filed a motion seeking to suppress evidence found in a Toyota Highlander the defendant was driving at the time he was arrested. The registered owner of that Highlander is Patricia Douglas, the defendant’s aunt.

The government searched the Toyota Highlander based upon a consent to search the vehicle allegedly executed by Patricia Douglas. Ms. Douglas has denied signing the consent to search.

The defense was advised, on Monday, August 5, 2024, that due to multiple physical and mental conditions, Ms. Douglas is unable to testify in court. See Declaration of Linda Douglas (Attached as Exhibit A).

On August 6, 2024, the defense contacted William B. Smith, a certified handwriting expert located in Orlando, Florida, to examine the signature on the consent to search with known exemplars of Ms. Douglas' signature. According to Mr. Smith, he will be able to conduct the examination and issue a report three to four days after his receipt of the consent to search form and multiple (twenty) known handwriting samples. See Declaration of John David Kirby (Attached at Exhibit B). The undersigned has contacted the client's mother regarding the gathering of these fingerprint exemplars, and they are in the process of being gathered.

The prosecutor has indicated that he intends to object to the late notice of this expert, and the late filing of any expert report. At this point, it does not appear that the handwriting expert's analysis will be complete by the time of the motion hearing.

The defense therefore requests a continuance of approximately three weeks, until September 2, 2024, or such other time as accords with this Court's schedule, so that the defense expert can conduct his examination and file his report in time for the government to have sufficient time to examine the report and engage its own handwriting expert if necessary. Defense counsel would note that he is in trial beginning on August 21, 2024, in the case of United States v. Coffey, 24cr505-AJB. This trial is scheduled to last only one week, but may continue until the beginning of the following week.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter its Order continuing and resetting the motion hearing in this case until September 2, 2024, or such other date as comports with the Court's motion hearing calendar.

Dated this 7th day of August 2024

Respectfully submitted,

s/John D. Kirby

401 W. A Street, Suite 1150

San Diego, CA 92101

CA Bar No. 149496

619-557-0100

jkirby@johnkirbylaw.com

John R. Howes, Esq.

110 SE 6th Street

Suite 1700

Fort Lauderdale, FL 33301

Fla. Bar No. 0219193

FloridaLawyer@outlook.com

Cell: 954.328.2358

Attorneys for Michael Gordon Douglas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's Motion to Continue Trial Date has been furnished by Electronic Delivery using CM/ECF and to Assistant United States Attorney Gregory Schiller, Esq. at Gregory.schiller@usdoj.gov and to John D. Kirby, Esq. at jkirby@johnrbylaw.com this 7th day of August, 2024.

John R. Howes, Esq.